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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/631,193

Filing Date: July 31, 2003

Appellant(s): RANDALL ET AL.

Anthony P. Cho  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 6, 2007 appealing from the Office action mailed January 26, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,418,028	DeWitt	5-1995
6,122,879	Montes	9-2000
5,381,638	Andersson	1-1995
3,236,014	Edger	2-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of DeWitt. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). For claim 1, Montes fails to teach that two of the connectors are located transverse to each other. DeWitt teaches panels (10-13) having connectors (16,18) located transverse to each other. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by DeWitt, to increase the ways in which the panels can be attached to other panels to form a structure.

Claims 1, 9, 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Montes. DeWitt teaches more than three panels

(10-13) to form a cooler/refrigerator, each panel with a first skin (21,22), a second skin (21,22), insulation (20) and connectors (16,18) located transverse to each other. For claims 1 and 13, DeWitt fails to teach flexible snap fit connectors. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work equally well between the panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Montes and Andersson. DeWitt teaches more than three panels (10-13) to form a cooler/refrigerator, each panel with a first skin (21,22), a second skin (21,22), insulation (20) and connectors (16,18) located transverse to each other. First for claim 17, DeWitt fails to teach flexible snap fit connectors. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work equally well between the

panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment. Second for claim 17, DeWitt fails to teach a curved flange which covers the seams between the panels. Andersson teaches a curved flange (25) inserted between attached panels to hide the seam created there between. It would have been obvious to one have ordinary skill in the art at the time of the invention to modify the assembly of DeWitt in view of Montes by adding seams, such as the seams taught by Anderson there between, for the advantage stated above.

Claims 1, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of Edgar. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). For claims 1 and 20, Montes fails to teach that two of the connectors are located transverse to each other and to a longitudinal axis of the insulating body. Edgar teaches more than three panels (Fig. 2) to form a structure, several panels (D) having connectors located transverse to each other (see Fig. 2; D right lower portion). It would have been obvious to one have ordinary skill in the art at the time of the invention to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by Edger, to increase the ways in which the panels can be attached to other panels to form a structure.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of Edgar as applied to claims 1, 9, and 20 above, and further in view of DeWitt. As stated above, Edgar teaches the limitations of claim 20, including a panel with an

insulating body. For claim 22, Montes in view of Edgar fails to teach that the body is specifically made of foam. DeWitt teaches a panel wherein the insulating body is made of foam (see abstract). It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to use foam as the material for the insulation body of Montes in view of Edgar, such as is taught by DeWitt, to provide good insulating, light weight and well known material in the panel.

#### **(10) Response to Argument**

Addressing the arguments concerning the art rejection of Montes in view of DeWitt: the examiner argues that the references of Montes and DeWitt, taken together in the rejection, teach all of the limitations in the applied claims. As stated above, it would have been obvious to one having ordinary skill in the art to modify the panels of Montes by positioning its snap-fit connectors transversely to each other, such as is taught by DeWitt, to increase the ways in which the panels themselves can be attached to other panels to form a structure. The examiner contends that two snap-fit connectors would be located on same panel unit of Montes in view of DeWitt, i.e. two snap-fit protruding connectors 41 of Montes would be located on the panel as shown by the protruding connectors 16,18 of DeWitt. (the mating portions 40 being located on the remaining two edges of the panel and on surfaces or edges of additional panels similar to panel 12 (see at 19) and 11 of DeWitt). Furthermore, DeWitt demonstrates (and provides proof) that it is general knowledge to one having ordinary skill in the art to have multiple protruding connecting members on the same panel which are also

perpendicular to each other to provide panels that can be attached to adjacent panels in a manner to form a structure (see Fig 1). To use this connector configuration on the panels of Montes would have been an obvious consideration. Finally, it should be noted that DeWitt, in this combination, is only being used for its connector arrangement. Its panel composition is irrelevant.

Addressing the arguments concerning the art rejection of Dewitt in view of Montes: the examiner argues that the references of DeWitt and Montes, taken together in the rejection, teach all of the limitations in the applied claims. As stated above, it would have been obvious to one having ordinary skill in the art to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work equally well between the panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment. As for the material make up of the panels: first, no limitations directed to such are found in the claims and second, the examiner contends that plastic or metal could be used to form the snap-fit connectors found in Montes. Therefore, the ends of DeWitt would be provided with snap-fit outer members made of plastic, if desired. See reference of Rijnders (4,236,366; column 2, lines 51-55) wherein it is disclosed that the skins of panels can be either metal or plastic and that the snap-fit connectors can be plastic (ends 12 of plastic members 11 and member 15). Furthermore, please note that in lines 17-20 of DeWitt, prior art panels having ends not covered by outer sheet metal

layers and having tongue and groove connectors with latches are being discussed, not the invention/panel construction of DeWitt which disclosing plastic layers and closed ends with no latches.

Addressing the arguments concerning the art rejection of Montes in view of Edger: the examiner argues that the references of Montes and Edger teach all of the limitations in the applied claims. As stated above, it would have been obvious to one have ordinary skill in the art to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by Edger, to increase the ways in which the panels can be attached to other panels to form a structure.

In response to applicant's argument that Edger is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention.

See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Edger and Montes teach connecting panels. Edger demonstrates (and provides proof) that it is general knowledge to one having ordinary skill in the art to have multiple protruding connecting members on the same panel which are also perpendicular to each other to provide panels that can be attached to adjacent panels in a manner to form a structure (see Fig 2). To use this connector configuration on the panels of Montes would have been an obvious consideration. Finally, it should be noted that Edger, in this combination, is only being used for its connector arrangement. Its panel composition is irrelevant.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Conferees:

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*JAN. 6 1988*  
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